

CONSERVATION COMMISSION
781-982-2100

Minutes
January 28, 2014
7:00 p.m.
Cotter Room

Members Present: Denis Bergin, Chairman, Joe Feeney, Kathy Creighton, Jerry Kelliher, Mike Noonan, Bill Stone

Absent: Russ Forsythe

Meeting opened in the Buckley Room, with a motion by Kathy, seconded by Bill, to move the meeting to the Cotter Room by unanimous vote.

Denis informed everyone that Boy Scout John Aiello, Pack 11, would be filming the meeting tonight as part of his badge requirements.

Open Space Plan update – plan has been finished and will be sent to the office within a week from the Old Colony Planning Council, to be distributed to other Town boards for comment.

7:00 p.m. #84-475, NOI, Rimas and Danute Gavelis, 92 Central Street, for the removal of trees in buffer zone in back of house for installation of solar panels on roof, and planting new trees and vegetation at 92 Central Street. Mr. & Mrs. Gavelis explained they have owned the house a year and a half. They knew about the ditch, but nobody had mentioned wetlands or buffer zone. They had cut down trees, retrieved it and brought wood out. They have begun planting fruit trees and vegetation in buffer zone. They had cut pine trees because it blocked sunlight for solar panels. Had no idea it was something he shouldn't do because it was on their land. His neighbor came out when the last tree fell. Someone from the Conservation Commission came out to tell them to stop, which they have. Some of the trees were old and they were concerned that they would fall. There is a tree half way on his neighbor's property and half way on their property. The old NOI file was referred to.

Mike - will any additional pine trees have to be taken down when they grow more due to the solar panels? Mr. Gavelis didn't think so; someone had come out to look re the solar panels and didn't indicate other trees coming down. His land is all buffer zone. On the left is where the ditch is and the wetlands are. A tree had fallen into the wetlands, and they cut it in pieces and brought it back; the tree was still on their property. The tree had fallen behind the house. Jerry estimated the work done was about 30' beyond the lawn. They have planted trees that won't grow too high, right on the edge of where the woods were. Kathy suggested natural growth in the area that trees were taken down. There is a little stream that runs alongside his property and in the back it runs into his property. There

is a bridge for their driveway, and it goes under that and up to the road, and goes to the other side of the road.

Denis asked how many trees they took down. Mr. Gavelis said maybe nine, but as far as pine trees, it was three or four. Kathy asked if they took out brush also. Yes, they cleaned it up. Enforcement order has been ratified. There is a stream out there as well as a culvert. Joe – they have a bridge to get on to their property, with a stream that goes on to their property and through to their neighbor's property. There is one more tree that may come down on its own. Mike suggested seeding the slope in the spring with something low growing, and it can come back naturally. Joe asked about additional plantings. No. Board didn't think they'd have to come back to plant low trees in the buffer zone. Taking down trees in the buffer zone would require coming back to the board. If a tree was in danger of falling, they could call for an emergency certification.

Motion to close the hearing made by Mike, seconded by Joe, unanimous.

Order of Conditions: A6, G2, H2,5, J. Slope is to be seeded in the spring. Motion to accept the plans as presented and Order of Conditions made by Jerry, Bill, unanimous.

Discussion of implementation of a Fine form. According to by-laws, the Commission can issue fines. The intent would be to bring things into compliance, not to make money. This would be for people who don't follow through with enforcement requirements. The ticket would serve as a warning after an enforcement order, then a fine. Fines can be up to \$300 a day. The fine would have to be included in the cease and desist to make the violator aware of the possibility of a fine being implemented for non-compliance. Board didn't know if a separate form was needed. Kathy will check into this further.

Discussion on drainage area filled in and blocked at 1477 Bedford Street, #84-239. Mike went out, and was concerned that if we ask the people at 1477 Bedford Street to open up the culvert there under the driveway, we're going to have to ask the pupils' bus building on Route 18 by South Shore Terminals. This looks like it was done purposely and detention area created by pupils. At South Shore Terminals, there is a swale that comes down and stops at pupils area before 1477. If you follow that, there is no drainage on Route 18. The water will flow down to Farmer's Market by MaryLou's. The only drain is on the other side of MaryLou's next to Fedex. Mike was concerned that if they were asked to open that up, you may flood those stores from the grade of where it's starting from for about 20' from the asphalt at South Shore Terminals to the Chinese restaurant. Kathy thought there was a run that goes back down to the property and back. Joe – there is an 18 inch pipe that runs from one of those culverts to 0 Adams Street. Mike – if there is a pipe there fine, but was concerned with water flooding if there isn't a pipe there. Someone needs to investigate this more. This may create problems and commission would be held responsible if it floods. Kathy – had problems with people filling in things where they shouldn't. Board needs an answer from 1477 as to why it was blocked. Mike - the only drain is by MaryLou's. Denis - right now there are no complaints. DOT told board drainage was very bad there. DOT is going to create several detention basins. Kathy wants them to come in; she thought they had made changes to the property at 1477 Bedford Street. Mike - it's going to be taken care of in two years anyway by MassDOT. If the board votes on this, Mike would vote against it.

Denis will write letter to owners to come before board and explain why it was filled in. Mike - someone put a concrete barrier at the culvert, at pupils and there is a retention area between the two terminals. If this is opened up and there isn't a pipe to take it to 0 Adams Street, you would flood the Nisby property. Kathy felt it was recently filled; both owners should be written to. Denis - time line will be to have something come back by March 25.

Building Permit: Jerry went out for building permit for 73 Leonard Farm Road.

Minutes – November 26, 2013 - motion by Kathy to approve, seconded by Jerry, 5 ayes, 1 abstention (Joe). December 10, 2013 - motion by Mike to approve, seconded by Bill, 5 ayes, 1 abstention (Joe).

Correspondence:

Denis brought up issues on Highland Road and 1212 Bedford Street. In June the Reeds at 26 Highland Road complained because Mr. D'Andrea had pushed over stone wall into water. At the time, it was agreed that he would take the stones out and put up jersey barriers. Since that time, Mr. D'Andrea did put jersey barriers there; land inclines from west to east, slopes down to Bedford Street. Water doesn't permeate and backflows into the Reeds' property. Denis reviewed files going back to 90's. DEP map shows wetlands, bordering on his property. In 2007 there was a plan showing wetlands at foot of the land.

The Reeds had made a complaint to the Town Manager, and the Town Manager forwarded it to the Commission. Chapter 40 310 CMR10.1 - pertains to flooding; whether it's a wetland or not, there is flooding. Denis suggested asking Mr. D'Andrea to come back before the board and talk about the property with the Reeds regarding the flooding to see if this can be resolved. If not, he will send a letter to Mr. D'Andrea, then send an enforcement order if there is no response, requiring a NOI. Mike - he may have created problem. He's damning it up and forcing it back on to Reed's land. Board of Selectmen is investigating this complaint under bylaw bringing in landfill. There is an issue on the amount and type of fill that was brought in. The Commission authorized Denis to write letter with time frame for coming back to the Board no later than March 25.

Planning Board Advisories: 225 Groveland Street - they have filed a NOI with us; will be on agenda 02/11/2014. 313 Adams Street (corner of Adams and Wales Street), changing it to apartments; no filing necessary.

Board of Selectmen: Annual town Meeting Warrant open on 1/27/14, closes on 02/18/2014. Special Town Meeting Warrant open on 1/27/2014, closes on 03/03/2014.

E-mail from DEP re #84-462 for administrative proceedings.

Joe attended School Building Committee meeting. Board had talked about coming before Conservation and Planning informally. Kathy suggested an Abbreviated NOI.

The Board of Selectmen declined Special Municipal Employee status for the Commission. The Commission or individual can go before the BOS to explain why the status is wanted.

Denis thanked Scout John Aiello, Troop 41, for taping the meeting tonight.

Motion to adjourn at 8:35 p.m. made by Jerry, seconded by Bill, unanimous.

Respectfully submitted,

Nancy Hurst